

Metropolitan Tabernacle Church v. City of Chattanooga

Complaint Exhibit 6:

Mayor's Executive Order 2020-07



# City of Chattanooga

Mayor Andy Berke

**CIVIL EMERGENCY PROCLAMATION AND EXECUTIVE ORDER  
REGARDING SHELTER AT HOME  
BY MAYOR ANDY BERKE FOR THE CITY OF CHATTANOOGA  
No. 2020-07**

**WHEREAS**, Coronavirus Disease 2019 (“COVID-19”) is a communicable respiratory disease that can lead to serious illness or death, particularly in the case of elderly adults and persons with serious chronic medical conditions; and

**WHEREAS**, on January 21, 2020, following the guidance of Centers for Disease Control and Prevention, the Tennessee Department of Health designated COVID-19 as a reportable disease in Tennessee; and

**WHEREAS**, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a global pandemic; and

**WHEREAS**, on March 12, 2020, the Governor for the State of Tennessee first issued an Executive Order to facilitate the treatment and containment of COVID-19, pursuant to Tennessee Code Annotated § 58-2-107(e)(1); and

**WHEREAS**, on March 13, 2020, the President of the United States declared a national state of emergency in response to the COVID-19 pandemic; and

**WHEREAS**, on March 19, 2020, I initially declared a state of emergency for the City of Chattanooga, pursuant to Tennessee Code Annotated § 38-9-101 et seq. and § 58-2-101 et seq. and City of Chattanooga Charter, Article 2.1 in response to the COVID-19 pandemic; and

**WHEREAS**, pursuant to the authority invested in the Mayor under Tennessee Code Annotated § 38-9-101, et seq. and 58-8-104 and 58-2-110 (3) and City of Chattanooga Code § 20-41, et seq., the Mayor may proclaim in writing the existence of a civil emergency, as defined therein; and

**WHEREAS**, on March 20, 2020, pursuant to the authority invested in the Mayor under Tennessee Code Annotated § 38-9-101, et seq. and City of Chattanooga Charter, Article 2.1, and City of Chattanooga Code §§ 20-41, et seq., I issued Civil Emergency Proclamation and Executive Order No. 2020-03 (“Executive Order No. 2020-03”) closing restaurants and bars for on-site consumption as well as closing gyms and exercise facilities. I also issued Executive Order No. 2020-04 closing additional businesses, including indoor portions of retail shopping malls and facilities where certain personal care services are performed; and I issued Executive Order No. 2020-05 regarding temporary off-premises beer sales and deliveries and closing City Hall, City Development Resource building, and Annex Business offices to the public on March 27, 2020; and

WHEREAS, as of April 8, 2020, the Hamilton County Health Department has reported 94 confirmed cases of COVID-19 in Hamilton County and 9 deaths and that community transmission may be occurring; and

WHEREAS, as of April 8, 2020, there were at least 4,362 positive COVID-19 tests and 79 deaths from COVID-19 reported in the state of Tennessee; and

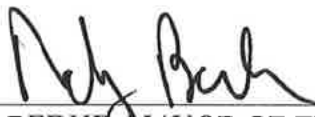
WHEREAS, more than 2,000 physicians in this state have signed an online petition asking the Governor to consider a mandatory shelter-in-place order to save lives by stopping the spread of the virus and reducing the strain on hospital systems and COVID-19 continues to present a severe danger to public health and the Governor has issued a stay at home unless engaging in Essential Activities Order as Executive Order No. 22 on March 30, 2020 which remains in effect until 11:59 p.m., CDT on April 14, 2020;

NOW, THEREFORE, I, ANDY BERKE, MAYOR OF THE CITY OF CHATTANOOGA, by virtue of the powers vested in me, do hereby proclaim that a local public health civil emergency continues to exist in the City of Chattanooga, Tennessee and I hereby direct and order the following:

1. Shelter at Home. All individuals currently living within the City are ordered to shelter at their place of residence unless otherwise exempted as outlined in this Order. For purposes of this Order, residences include hotels, motels, shared rental units, and similar facilities. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably possible maintain social distancing of at least six feet from any other person when they are outside their residence. All persons may leave their residences **only for Essential Activities, Essential Governmental Functions, or to operate Essential Services Businesses as defined in paragraph 6 of this Order**. Individuals experiencing homelessness are exempt from this section, but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable for homeless individuals (and to use COVID-19 risk mitigation practices in their operation). Individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their home and stay at a safe alternative location. **This Order which was initially issued as Executive Order 2020-06 is extended for 7 additional days as allowed under Tennessee Code Annotated § 38-9-101, et seq. and 58-8-104 and 58-2-110 (3).**
2. All previous Orders and restrictions which were contained in my Executive Order 2020-06 relative to Travel Restrictions; Mass Gatherings Prohibited; Closure of Non-Essential Services Businesses; Essential Activities; Essential Services Businesses; Non-Essential Services Businesses; Essential Travel; Healthcare Operations; Essential Infrastructure; Essential Governmental Functions; Minimum Basic Operations; Social Distancing Requirements; and the Temporary closure and Suspension of access to all city-owned public spaces, including Miller Park, Walnut Street Bridge, Stringer's Ridge, and all city owned public parks which are included in the Attached Master List of City Parks as Attachment A to Executive Order 2020-06 shall remain in full force and effect during the term of this Order. To enforce the terms of this Order City employees may continue to block ingress/egress (like close both ends of Walnut Street Bridge) to prevent access which may be in violation of the CDC Social Distancing requirements. Any City public spaces which shall remain open shall be designated by signage and shall be subject to the social distancing rules in this Order.

3. This Order continues to include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function such businesses perform, or the corporate or entity structure of such businesses.
4. This Order does not apply to employees of the City of Chattanooga. Employees of the City shall follow all current and future directives and orders issued by the Mayor of Chattanooga that are specifically directed at them.
5. The Chattanooga Police Department, Land Development Office, and Fire Marshal is authorized to enforce and close those businesses within the City of Chattanooga in violation of this Order.
6. A determination that any provision of this Order is invalid will not affect the enforceability of any other provision of this Order. The remaining provisions shall remain in full force and effect. Any invalid provision will be modified to the extent necessary for enforceability.
7. This Order shall be extended effective at 12:01 AM on Saturday, April 11, 2020, and shall remain in effect until withdrawn or extended pursuant to Tennessee law.
8. PURSUANT TO TENN. CODE ANN. § 58-2-110 (3) the duration of this Executive Order is limited to seven (7) days initially and may be extended, as necessary, in additional seven-day increments. It is the intent of this Order to extend all prior Executive Orders issued since March 13, 2020 as Executive Orders 2020-01, 2020-02, 2020-03; 2020-04; 2020-05; 2020-06 for all additional periods which are authorized under Tennessee law within the City of Chattanooga. To the extent that this Order conflicts with any prior Orders this Order shall control. Any businesses previously closed by a prior executive order from the Governor of Tennessee or this administration shall remain closed under the terms of this Order.

Issued this 9th day of April, 2020, pursuant to Tenn. Code Ann. §§ 38-9-101, et seq. and 58-8-104 and 58-2-110 (3) by the Mayor of the City of Chattanooga, Tennessee.



ANDY BERKE, MAYOR OF THE CITY OF CHATTANOOGA

### ATTACHMENT A – CITY PARKS

Location	Address
Avondale Park	1305 Dodson Avenue
Batter's Place Tennis Courts	8000 Batters Place Road
Belvoir Park	25 Kenwood Circle
Belvoir Place Park	114 Tuxedo Circle
Benham Williams Park	405 Williams Drive
Blue Goose Hollow	876 W 9th Ave
Boulevard Park	4701 Divine Avenue
Brainerd Golf Course	5303 Old Mission Road
Brainerd Park and Recreation Center	1010 N Moore Road
Brown Acres Golf Course	406 Brown Road
Caruthers Park	3300 Brannon Avenue
Carver Park	600 N Orchard Knob Avenue
Champions Club	1096 Lupton Drive
Chew Chew Canine Park/Chattown Skatepark	1785 Reggie White Boulevard
Church Street Park	3813 Church Street
Churchville Mini Park	1901 E 3rd Street
Clifton Hills Park	2801 Clifton Terrace
Coolidge Park	150 River Street
DeLong Park	3315 DeLong Street
DuPont Ball Fields	4499 North Access Road
DuPont Park	4500 North Access Road
East Chattanooga Park	2409 Dodson Avenue
East Lake Park	3000 East 34th Street
East Lake Recreation Center Park	3610 Dodds Avenue
Eastdale Park	1312 Moss Drive
Frederick Park	916 W 38th Street
Fort Negley Park	1704 Mitchell Avenue
Frances B Wyatt Park	406 Colville Street



Glenwood Park	2610 East Third Street
Greenway Farm Park	5051 Gann Store Road
Harris Johnson Park	41 West 28th Street
Jack Benson Heritage Park	1428 Jenkins Road
Hill City Park	18 Trew hitt Street
Hixson Community Center/Park	5401 School Drive
Hixson YA Ballfields	5410 School Drive
Inspiration Park	2408 Duncan Avenue
Jefferson Street Park	1800 Jefferson Street
John A Patten Park	3202 Kelly's Ferry Road
Lake Hills Park	4395 Bellview Avenue
Lakeside Park	4800 Swann Road
Lookout Valley / Warren Park	370 Warren Place
Main Terrain Art Park	450 West 13th Street
Memorial Auditorium Mini Park	397 McCallie Avenue
Miller Park	928 Market Street
Milliken Park	100 West 45th Street
Montague Park	1151 East 23rd Street
Mountain Creek Park	1102 Mountain Creek Road
Murray Hills Park	4125 Melinda Drive
North Chattanooga Park	406 May Street
North River Soccer Complex	4500 North Access Road
Overlook Park	1 South Crest Road
Park City Park	2606 Cannon Avenue
Park Place Park / Ted Bryant	1003 East 10th Street
Patten Parkway	12 Patten Parkway
Perkins Park	860 Vine Street
Phillips Park	700 Georga Avenue
Piney Woods	5217 Tanner Avenue
Portland Park	1005 Suck Creek Road / 999 Signal Mountain Rd

Pringle Park	2613 Long Street
Renaissance Park	100 Manufacturers Road
Ridgedale Safewalk	1304 Buckley Street
Rivermont Park	1096 Lupton Drive
Riverside Park	1004 Crutchfield Street
Riverview Bird Sanctuary	1621 Riverview Road
Riverview Park	1000 Barton Avenue
Ross' Landing	100 Riverfront Parkway
Roy Nelms Park	1609 W 41st Street
Shepherd Park	2124 Shepherd Road
South Chattanooga Park	1151 West 40th Street
Southside Community Park	3506 Central Ave
St. Elmo Park	4909 St Elmo Avenue
Stringers Ridge	707 W Bell Ave, 1312 Spears Ave
Summit of Softball Complex	4900 La Collina Way
Sylvan Park	700 Franklin Street
Tacoa Park	5205 Tacoa Circle
Tatum Park	1609 Union Avenue
Tennessee Aquarium Plaza	1 Broad Street
The Passage - Riverfront	1 Broad Street
The Sinks Disc Golf Course	4500 North Access Road
Tyner / East Brainerd Park	6900 Ty-Hi Drive
Urban Art Garden	11 N Seminole Drive
Walnut Street Bridge	1 Walnut St
Warner Park	1254 East 3rd Street
Washington Hills Park	4620 Oakwood Drive
Watkins Street Park	2411 East 12th Street
Sheila M Jennings Westside Park	1211 Grove Street
Whiteside Park	756 E Martin Luther King Boulevard
Enterprise South Trails	190 Still Hollow Loop

Hawthorne Trailhead	4001 N Hawthorne Street
North Chickamauga Creek Greenway	
South Chickamauga Creek Greenway & Levee	
Shallowford Road Trailhead	
Brainerd Road Trailhead	
Sterchi Farm Trailhead	3000 Harrison Pike
Stringer's Ridge & All Trailheads	Spears Ave
Tennessee Riverwalk Greenway (Downtown)	
Walnut Street Bridge	1 Walnut St
Blue Goose Hollow Trailhead	876 W 9th Ave
Wheland Trailhead	1599 Middle Street
Chestnut Street Trailhead	



### **Complaints about Businesses**

**Essential Business:** Essential Services businesses remaining open and permitted by this Order must conduct business in such a way to protect the health and safety of the community, employees, vendors, and the general public. This includes compliance with the Occupational Safety and Health Administration's (OSHA) Guidance on Preparing Workplaces for COVID-19 (<https://www.osha.gov/Publications/OSHA3990.pdf>) and other applicable state and federal workplace rules. Each workplace is different and its needs and ability to comply with social distancing and other hygienic measures will vary from industry to industry and business to business. OSHA is in the best position to assess a particular operation's compliance with its Guidance. You may contact the local TN OSHA office at (901) 543-7259. In addition, you may call the Hamilton County Health Department COVID-19 Call Center at (423) 209-8000 (available to take calls 8:00am-4:30pm, Monday-Sunday; if after hours, leave a message and your call will be returned the next day).

**Non-Essential Business:** If you believe a Non-Essential Business is not complying with the Order, please report it to 311. Include the name and location of the business and the specific nature of the violation.